

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**BARBARA A. NEZELEK**

VS.

**CASE NUMBER: 3:05-CV-1481 (FJS/DEP)**

**MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY**

**Decision by Court.** This action came to hearing before the Court.  
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendations of Magistrate Judge David E. Peebles is adopted in its entirety, Defendant's Motion for Judgment on the Pleadings is GRANTED, the Commissioner's decision is AFFIRMED, and Plaintiff's Complaint is hereby DISMISSED.

All of the above pursuant to the order of the Honorable Judge Frederick J. Scullin, dated the 6<sup>th</sup> day of May, 2009.

DATED: May 8, 2009

  
Clerk of Court

s/

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Joanne Bleskoski  
Deputy Clerk